

## Heather Carey

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**From:** Pamela D <pamela.dritt@gmail.com>  
**Sent:** Wednesday, July 7, 2021 1:41 PM  
**To:** Heather Carey  
**Subject:** Public Comment 146B & 1442 Main Street – 110 & 11B Highland Street – Center & Main

Esteemed members of the Zoning Board of Appeals, Planning Board, and Citizens of Concord,

Symes Development is asking the Zoning Board of Appeals' permission for a special permit to remove a large amount of earth under this Concord zoning bylaw:

***7.5.3 Removal of earth subject to board approval. The removal of earth in excess of one thousand (1,000) cubic yards MAY (emphasis mine) be permitted by the Board after notice and a public hearing if the Board finds that:***

(the relevant Concord bylaws are listed in italics below)

Fortunately the ZBA has discretion here--it does not say the ZBA '*must*' or even '*will*' grant the permit even if the conditions are met. The board '*may*' deny this permit even if the developer fulfills all the requirements listed for the permit. I urge the board to refuse, since the developer does not meet the legal requirements for approval (contrary to his letter of February 12, 2021.) But even if he *did* meet them, the development of 16 large houses doesn't offer the town any benefits that would come close to offsetting the costly environmental harm that so much earth removal would cause.

Concord has very little undeveloped land left. Can we afford to give any special permits, for any reason, to any project that does not deliver clear and substantial benefits to our town that compensate for the destruction special permits allow?

Forested land and natural plantings not only support biodiversity and healthy ecosystems, they produce oxygen and remove carbon, clean pollutants out of the air, create sound buffers, reduce local risk of drought or flood, and fix carbon in the soil itself. These 'carbon sink' areas are necessary to fight climate change and achieve the Town Meeting approved carbon emission reduction goals for Concord. Lady Slipper wildflowers and other endangered species growing in those woods would be lost.

We should only permit the destruction of the local ecology—the soil, plants, and the carbon and water systems—for the purpose of building housing that creates its own clean energy, conserves

carbon removing woods, helps fight climate change, and brings Concord closer to our sustainability goals instead of making them harder to achieve.

Every new construction project is a rare opportunity to improve our community and to bring it closer to our sustainability goals at little or no cost to the developer for a big payout to his buyers, our town, and the earth. Symes' current development doesn't do any of this.

I urge him to revisit his PRD proposal and continue his productive work with the town on a plan that does--one we can all support.

**7.5.3.1 *The volume proposed for removal does not exceed the minimum practical removal required to accomplish the construction, development, or improvement in accordance with the plans therefor;***

The current proposal clearly exceeds "the minimum removal necessary" to develop this piece of Concord land. Symes' plan is far inferior to his own earlier proposal for a 34 home Planned Residential Development (PRD.) It was a better design with more clustered housing and more green open space. It called for far less environmental destruction, forest removal, and earth removal per residence than this 16 mansion proposal. Clearly a better residential development could be built with less movement of soil and destruction of plants and the ecology—Symes himself proposed one.

**7.5.3.2 *The plans submitted in connection with the removal are designed to minimize changes in existing contours to enhance attractive land utilization, effective drainage, suitable road gradients, access or other design considerations; and***

The developer's current plan is NOT "designed to minimize changes in existing contours." It does exactly the opposite.

Symes' development plan calls for clear cutting, bulldozing the hill and flattening the land like the strip-mining of the hills in Appalachia I saw as I was growing up in Tennessee. It would result in the total destruction of the current carbon-sink ecosystem and end the topological buffer to the railroad. It would make Concord less resilient to climate change and increase the risk of local drought and flood. Not only that, it would pump many tons of carbon and dangerous diesel fume pollution into the air.

**7.5.3.3 *Effecting the removal will not be detrimental or injurious to abutters or the neighborhood, either by the alteration of existing topography or by a substantial change in the use of the streets in the neighborhood.***

This will change a wooded park-like hill neighborhood into a bare field of McMansions. A better development will never be able to be built there.

That would clearly be detrimental to the abutters and the neighborhood.

It would add more carbon-emitting buildings to our housing stock instead of reducing them. That would be injurious to all Concord residents, as well as being very harmful to the town's ability to fight climate change, achieve carbon-neutrality, reduce encroachment on nature, and protect the historic character of the town.

Importantly, new houses like these will not appeal to environmentally aware buyers who understand the threat of the climate crisis. Instead, they will attract people who aren't aware of the urgency of climate issues or Concord's carbon reduction goals--making it harder for concerned Concord citizens to protect our town and achieve our goals.

Symes *could* join in this effort instead of fighting it with legal action.

To build a house to state of the art environmental standards is already much easier and less expensive for new construction than commonly believed, especially by developers. For example, all-electric heat-pump systems avoid the need for gas infrastructure—a considerable cost saving to the developer--and include air conditioned cooling for increasingly hot summers as well. Older construction techniques also create costly carbon pollution and environmental destruction that must be mitigated in the future by changing and retrofit-improving those buildings at considerable extra cost to the homeowner, and the town.

I attended some of the Planning Board meetings in 2019, where it became clear to me that the developer was using this current subdivision design (which, unlike the Planned Residential Development, doesn't require special Planning Board approval) as a threat in order to pressure us to allow him to build the PRD with large houses with fossil fuel infrastructure and without net zero building techniques.

I'm not against smart development. But this isn't smart development. And if it's built as proposed, it will remove the opportunity for better development on that land forever and set back Concord's efforts to fight climate change for decades.

The state of MA has just passed new environmental laws that will allow Concord to require net-zero stretch code for new construction, as we did at Town Meeting. The developer should not be granted this earth removal permit that would allow him to avoid the requirements and profit at the expense of the town and the climate.

Sincerely,

Pamela Dritt,

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